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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

TIMOTHY P. BEUCA,

Plaintiff,

v.

WASHINGTON STATE  
UNIVERSITY,

Defendant.

NO. 2:23-CV-00069-TOR

DEFENDANT WASHINGTON  
STATE UNIVERSITY'S  
ANSWER TO SECOND  
AMENDED COMPLAINT

**GENERAL DENIAL**

Defendant Washington State University (WSU) hereby answers Plaintiff Timothy Beuca's Second Amended Complaint (SAC). Except as expressly admitted or qualified, WSU denies each and every allegation, statement, or charge in the SAC (whether contained in numbered paragraphs, unnumbered paragraphs, headings, or elsewhere), and denies that Dr. Beuca is entitled to any of the relief requested.

The first section of the SAC consists of two unnumbered paragraphs that contain a summary of the nature of this action and Dr. Beuca's allegations, as well

1 as legal conclusions and argument, to which no response is required. To the extent a  
2 response is required, WSU denies all allegations in this section.

### 3 I. INTRODUCTION

4 This section of the SAC consists of four unnumbered paragraphs that contain  
5 a summary of the nature of this action and Dr. Beuca's allegations, as well as legal  
6 conclusions and argument, to which no response is required. To the extent a response  
7 is required, WSU denies all allegations in this section.

### 8 II. JURISDICTION AND VENUE

9 This section consists of eight unnumbered paragraphs. Each of these  
10 paragraphs consist of legal conclusions or argument to which no response is  
11 required. To the extent a response is required, WSU denies all of the allegations in  
12 this section.

### 13 III. PARTIES

14 This section consists of two unnumbered paragraphs.

15 As to the first unnumbered paragraph, WSU admits that Dr. Beuca was  
16 previously employed by WSU as a resident in its Elson Floyd School of Medicine  
17 residency program. The second sentence of this paragraph contains legal conclusions  
18 and argument, to which no response is required. To the extent a response is required,  
19 WSU denies the allegations in the second sentence of this paragraph.

20 As to the second unnumbered paragraph in this section, WSU admits the first  
21 sentence of this paragraph. The second sentence of this paragraph contains legal  
22 conclusions and argument, to which no response is required. To the extent a response  
23 is required, WSU denies the allegations in the second sentence of this paragraph.

**IV. FACTS**

1  
2 1. Admitted.

3 2. WSU admits that it has a campus in Pullman, and that the School of  
4 Medicine at WSU is located in Spokane. WSU further clarifies that the hospital  
5 where Dr. Beuca worked, Providence Regional Medical Center, is located in Everett.  
6 Except as expressly admitted, WSU denies any remaining allegations in Paragraph  
7 2.

8 3. WSU admits that Dr. Beuca was a first year primary care resident  
9 employed by WSU in 2021. WSU is without knowledge or information sufficient to  
10 form a belief as to the truth of the remaining allegations in Paragraph 3, and therefore  
11 denies them.

12 4. WSU denies that medical residents are considered “in good standing”  
13 or not when they enter the residency program. WSU admits that, in 2021, Dr. Beuca  
14 was assigned to work at the Providence Regional Medical Center (Providence) in  
15 Everett. Except as expressly admitted above, any remaining allegations in Paragraph  
16 4 are denied.

17 5. WSU admits that the COVID-19 pandemic, which was the deadliest  
18 pandemic in U.S. history, was ongoing throughout Dr. Beuca’s residency. WSU is  
19 without knowledge or information sufficient to form a belief as to the truth of the  
20 remaining allegations in Paragraph 5, and therefore denies them.

21 6. WSU is without knowledge or information sufficient to form a belief  
22 as to the truth of the allegations in Paragraph 6, and therefore denies them.  
23

1           7.     WSU is without knowledge or information sufficient to form a belief  
2 as to the truth of the allegations in Paragraph 7, and therefore denies them.

3           8.     WSU is without knowledge or information sufficient to form a belief  
4 as to the truth of the allegations in Paragraph 8, and therefore denies them.

5           9.     WSU admits that, consistent with the ethical and responsible practice  
6 of medicine, physicians should assess the safety and efficacy of drugs and other  
7 medical products they prescribe based on valid and reliable scientific data and peer-  
8 reviewed published research, including from the U.S. Food and Drug Administration  
9 (FDA) and the U.S. Center for Disease Control and Prevention (CDC)—both of  
10 which determined that the COVID-19 vaccines were safe and effective. Except as  
11 expressly admitted above, WSU denies any remaining allegations in Paragraph 9.

12          10.    WSU is without knowledge or information sufficient to form a belief  
13 as to the truth of the allegations in Paragraph 10, and therefore denies them.

14          11.    WSU denies the allegations in the first two sentences of Paragraph 11.  
15 WSU is without knowledge or information sufficient to form a belief as to the truth  
16 of the allegations in the third sentence of Paragraph 11, and therefore denies them.

17          12.    Denied.

18          13.    WSU admits that Dr. Diaz gave a presentation to medical residents  
19 regarding the COVID-19 vaccines. Except as expressly admitted above, WSU denies  
20 the remaining allegations in Paragraph 13.

21          14.    WSU is without knowledge or information sufficient to form a belief  
22 as to the truth of the allegations in Paragraph 14, and therefore denies them.

1 15. WSU is without knowledge or information sufficient to form a belief  
2 as to the truth of the allegations in Paragraph 15, and therefore denies them.

3 16. WSU is without knowledge or information sufficient to form a belief  
4 as to the truth of the allegations in Paragraph 16, and therefore denies them.

5 17. WSU is without knowledge or information sufficient to form a belief  
6 as to the truth of the allegations in Paragraph 17, and therefore denies them.

7 18. WSU admits that Proclamation 21-14.1 (Proclamation) was issued by  
8 Governor Inslee and required state employees and healthcare workers (as well as  
9 educational workers) to be vaccinated against COVID-19 or receive an approved  
10 accommodation by October 18, 2021. The remaining allegations in Paragraph 18  
11 contain legal conclusions or argument, to which no response is required. To the  
12 extent a response is required, WSU denies the remaining allegations in Paragraph  
13 18. WSU further states that the Proclamation speaks for itself. However, no exhibits  
14 were attached to the SAC, so WSU cannot respond regarding the accuracy of the  
15 cited exhibit.

16 19. WSU admits that it did not operate the Providence Regional Medical  
17 Center where Dr. Beuca worked as a medical resident. WSU is without knowledge  
18 or information sufficient to form a belief as to the truth of the allegations in the final  
19 sentence of Paragraph 19, and therefore denies them. The remaining allegations in  
20 Paragraph 19 constitute legal conclusions or argument, to which no response is  
21 required. To the extent a response is required, WSU denies the remaining allegations  
22 in Paragraph 19.

1           20.   WSU admits that, pursuant to the Proclamation, it created a Religious  
2   Exemption Request form for employees who expressed an intent to seek a religious  
3   exemption and accommodation. WSU further responds that the Religious  
4   Exemption Request form speaks for itself. However, no exhibits were attached to  
5   the SAC, so WSU cannot respond regarding the accuracy of the cited exhibit.

6           21.   WSU admits that Dr. Beuca submitted a Religious Exemption Request  
7   form. WSU further responds that the Religious Exemption Request form speaks for  
8   itself. WSU denies that the Exemption Request form “stated that ‘qualified  
9   applicants and employees would be provided reasonable accommodation.” Instead,  
10   the Exemption Request form states: “Washington State University will provide  
11   reasonable accommodations to qualified applicants and employees with sincerely  
12   held religious beliefs, practice, or observance that conflict with job requirements,  
13   unless providing such accommodations would pose an undue hardship or  
14   fundamental alteration.” Any remaining allegations in Paragraph 21 are denied.

15          22.   WSU admits that Dr. Beuca’s Religious Exemption Request form  
16   stated that he was a Pentecostal Christian. WSU further responds that the Religious  
17   Exemption Request form speaks for itself. However, no exhibits were attached to  
18   the SAC, so WSU cannot respond regarding the accuracy of the cited exhibit. WSU  
19   is without knowledge or information sufficient to form a belief as to the truth of the  
20   remaining allegations in Paragraph 22, and therefore denies them.

21          23.   WSU admits that, on or around the first week of September in 2021,  
22   WSU personnel emailed WSU employees to provide instructions for requesting an  
23

1 exemption and accommodation with respect to the COVID-19 vaccination  
2 requirement.

3 24. WSU is without knowledge or information sufficient to form a belief  
4 as to the truth of the allegations in the second sentence of Paragraph 24, and therefore  
5 denies them.

6 25. WSU admits that Dr. Beuca completed his Religious Exemption  
7 Request form, which speaks for itself. WSU denies any remaining allegations in  
8 Paragraph 25.

9 26. WSU responds that the Religious Exemption Request form he  
10 submitted to WSU speaks for itself. However, no exhibits were attached to the SAC,  
11 so WSU cannot respond regarding the accuracy of the cited exhibit. WSU denies  
12 any remaining allegations in Paragraph 26.

13 27. Admitted.

14 28. WSU is without knowledge or information sufficient to form a belief  
15 as to the truth of the allegations in Paragraph 28, and therefore denies them. WSU  
16 further responds that no exhibits were attached to the SAC, so WSU cannot respond  
17 regarding the accuracy of the cited exhibits.

18 29. WSU responds that the Religious Exemption Request form speaks for  
19 itself. However, no exhibits were attached to the SAC, so WSU cannot respond  
20 regarding the accuracy of the cited exhibit.

21 30. The allegations in Paragraph 30 are vague as they do not reference any  
22 time period. Therefore, WSU denies the allegations in Paragraph 30.

1 31. WSU admits that Dr. Beuca submitted his Religious Exemption  
2 Request form on or around September 9, 2021. WSU denies that Dr. Hansen “pulled  
3 Beuca aside” and told him that the Attorney General was reviewing his exemption  
4 request. WSU admits that, in a telephone call, Dr. Hansen informed Dr. Beuca that,  
5 if his exemption request were denied and he remained unvaccinated against COVID-  
6 19, his employment could be terminated, which could affect his career. Except as  
7 expressly admitted, any remaining allegations in Paragraph 31 are denied.

8 32. WSU is without knowledge or information sufficient to form a belief  
9 as to the truth of the allegations in Paragraph 32, and therefore denies them.

10 33. WSU is without knowledge or information sufficient to form a belief  
11 as to the truth of allegations regarding communications between Providence and Dr.  
12 Beuca, and therefore denies them. WSU admits that it informed Dr. Beuca via email  
13 that it would pose an undue hardship and/or a threat to himself and others to allow  
14 him to remain in his position while unvaccinated. However, WSU denies that it sent  
15 that denial email “three days prior” to October 18, 2021; the email was sent on  
16 October 18, 2021. That email speaks for itself. However, WSU notes that no exhibits  
17 were attached to the SAC, so WSU cannot respond regarding the accuracy of the  
18 cited exhibits. Any remaining allegations in Paragraph 33 are denied.

19 34. Denied.

20 35. Admitted, except that Paragraph 35 is missing close quotation marks  
21 after the word “observance.”  
22  
23  
24



1           36.   WSU responds that the email referenced in Paragraph 36 speaks for  
2   itself. To the extent a further response is required, the allegations in Paragraph 36  
3   are denied.

4           37.   Admitted, except that Paragraph 37 is missing close quotation marks  
5   after the word “duties.”

6           38.   WSU responds that the email referenced in Paragraph 38 speaks for  
7   itself. To the extent a further response is required, the allegations in Paragraph 38  
8   are denied.

9           39.   WSU responds that the email referenced in Paragraph 39 speaks for  
10   itself. To the extent a further response is required, the allegations in Paragraph 39  
11   are denied.

12          40.   Admitted.

13          41.   WSU responds that the email referenced in Paragraph 41 speaks for  
14   itself. To the extent a further response is required, the allegations in Paragraph 41  
15   are denied.

16          42.   Denied.

17          43.   WSU is without knowledge or information sufficient to form a belief  
18   as to the truth of the allegations in Paragraph 43, and therefore denies them. WSU  
19   further responds that communications from Providence Regional Medical Center to  
20   Dr. Beuca speak for themselves. However, WSU notes that no exhibits were attached  
21   to the SAC, so WSU cannot respond regarding the accuracy of the cited exhibit.

22          44.   WSU is without knowledge or information sufficient to form a belief  
23   as to the truth of the allegations in Paragraph 44, and therefore denies them.

1 45. WSU admits that Providence Regional Medical Center had separate  
2 exemption forms. WSU is without knowledge or information sufficient to form a  
3 belief as to the truth of the remaining allegations in Paragraph 45, and therefore  
4 denies them. WSU further responds that no exhibits were attached to the SAC, so  
5 WSU cannot respond regarding the accuracy of the cited exhibit.

6 46. WSU is without knowledge or information sufficient to form a belief  
7 as to the truth of the allegations in Paragraph 46, and therefore denies them. The  
8 communication from Providence referenced in Paragraph 46 speaks for itself.  
9 However, WSU notes that that no exhibits were attached to the SAC, so WSU cannot  
10 respond regarding the accuracy of the cited exhibit. To the extent that Paragraph 46  
11 contains any other allegations, inferences, or characterizations, those are denied.

12 47. WSU admits that, on November 2, 2021, Dean John Tomkowiak sent  
13 Dr. Beuca a letter separating Dr. Beuca from WSU employment because he was  
14 prohibited under the Proclamation from performing work for WSU. The letter speaks  
15 for itself. However, WSU notes that that no exhibits were attached to the SAC, so  
16 WSU cannot respond regarding the accuracy of the cited exhibit. To the extent that  
17 Paragraph 47 contains any other allegations, arguments, inferences, or  
18 characterizations, those are denied.

19 48. WSU admits that the letter from Dean Tomkowiak informed Dr. Beuca  
20 that he was being separated from WSU employment. The remaining allegations in  
21 Paragraph 48 consist of descriptive characterizations or argument to which no  
22 response is required. To the extent a further response is required, any remaining  
23 allegations in Paragraph 48 are denied.

1 49. WSU admits that the letter from Dean Tomkowiak informed Dr. Beuca  
2 that he had ten working days to appeal. However, WSU denies that the letter  
3 informed Dr. Beuca that an appeal could be made either orally or in writing: the  
4 letter states that “[t]he appeal must be in writing.”

5 50. WSU responds that the letter from Dean Tomkowiak speaks for itself.  
6 The letter states that the appeal “must be received by Daryll B. DeWald, Vice  
7 President and Chancellor, WSU Health Sciences, Spokane,” who “shall render a  
8 final decision within thirty (30) working days of receipt of the appeal.” Any  
9 remaining allegations in Paragraph 50 are denied.

10 51. WSU admits that Dr. Beuca appealed the decision to terminate his  
11 employment for failure to comply with the Proclamation on November 8, 2021.  
12 WSU further responds that the appeal letter referenced in Paragraph 51 speaks for  
13 itself. However, WSU notes that that no exhibits were attached to the SAC, so WSU  
14 cannot respond regarding the accuracy of the cited exhibit. WSU denies any  
15 remaining allegations in Paragraph 51.

16 52. WSU responds that the appeal letter referenced in Paragraph 52 speaks  
17 for itself. WSU is without knowledge or information sufficient to form a belief as to  
18 the truth of the allegations regarding the “Antibody Report” referenced in Paragraph  
19 52, which was not attached as an exhibit to the SAC, which shall have the effect of  
20 a denial. WSU denies any remaining allegations in Paragraph 52.

21 53. WSU is without knowledge or information sufficient to form a belief  
22 as to the truth of the allegations in Paragraph 53, and therefore denies them.

1           54.   WSU responds that the appeal letter referenced in Paragraph 54 speaks  
2 for itself. However, no exhibits were attached to the SAC, so WSU cannot respond  
3 regarding the accuracy of the cited exhibit. To the extent that Paragraph 54 contains  
4 any other allegations, argument, inferences, or characterizations, those are denied.

5           55.   WSU responds that the appeal letter referenced in Paragraph 55 speaks  
6 for itself. However, no exhibits were attached to the SAC, so WSU cannot respond  
7 regarding the accuracy of the cited exhibit. To the extent that Paragraph 55 contains  
8 any other allegations, argument, inferences, or characterizations, those are denied.

9           56.   WSU admits that Chancellor Dewald denied Dr. Beuca's appeal in a  
10 letter dated November 30, 2021. The letter speaks for itself. However, no exhibits  
11 were attached to the SAC, so WSU cannot respond regarding the accuracy of the  
12 cited exhibit. To the extent that Paragraph 56 contains any other allegations,  
13 argument, inferences, or characterizations, those are denied.

14           57.   WSU responds that Chancellor Dewald's letter of November 30, 2021,  
15 speaks for itself. However, no exhibits were attached to the SAC, so WSU cannot  
16 respond regarding the accuracy of the cited exhibit. To the extent that Paragraph 57  
17 contains any other allegations, argument, inferences, or characterizations, those are  
18 denied.

19           58.   Admitted.

20           59.   WSU responds that Chancellor Dewald's letter of November 30, 2021,  
21 speaks for itself. However, no exhibits were attached to the SAC, so WSU cannot  
22 respond regarding the accuracy of the cited exhibit. To the extent that Paragraph 59  
23

1 contains any other allegations, argument, inferences, or characterizations, those are  
2 denied.

3 60. WSU responds that Chancellor Dewald's letter of November 30, 2021,  
4 speaks for itself. WSU admits that the letter contains the language quoted in  
5 Paragraph 60, except that close quotation marks are missing after the word  
6 "identified." However, no exhibits were attached to the SAC, so WSU cannot  
7 respond regarding the accuracy of the cited exhibit. To the extent that Paragraph 60  
8 contains any other allegations, argument, inferences, or characterizations, those are  
9 denied.

10 61. WSU responds that Chancellor Dewald's letter of November 30, 2021,  
11 speaks for itself. To the extent a further response is required, the allegations in  
12 Paragraph 61 are denied.

13 62. WSU responds that Chancellor Dewald's letter of November 30, 2021,  
14 speaks for itself. To the extent a further response is required, the allegations in  
15 Paragraph 62 are denied.

16 63. WSU is without knowledge or information sufficient to form a belief  
17 as to the truth of the allegations in Paragraph 63, and therefore denies them. WSU  
18 further responds that no exhibits were attached to the SAC, so WSU cannot respond  
19 regarding the accuracy of the cited exhibit.

20 64. Paragraph 64 contains legal conclusions or argument to which no  
21 response is required. To the extent a further response is required, the allegations are  
22 denied.

65. WSU is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65, and therefore denies them.

66. WSU admits, as it informed Dr. Beuca in denying his accommodation request, that WSU doubted that he had a sincerely held religious belief in conflict with COVID-19 vaccination. WSU is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 66, and therefore denies them.

67. Denied.

68. WSU is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68, and therefore denies them.

69. WSU is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69, and therefore denies them.

70. WSU is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70, and therefore denies them.

71. Paragraph 71 consists of legal conclusions or argument to which no response is required. To the extent a response is required, Paragraph 71 is denied.

72. WSU is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first and second sentences of Paragraph 72, and therefore denies them. The remaining allegations in Paragraph 72 consist of legal conclusions or argument to which no response is required. To the extent a response is required, these allegations are denied.

## **V. FIRST CAUSE OF ACTION**

73. WSU incorporates its responses as set forth above.

1           74. Paragraph 74 consists of legal conclusions or argument to which no  
2 response is required. To the extent a further response is required, the allegations are  
3 denied.

4           75. Paragraph 75 consists of legal conclusions or argument to which no  
5 response is required. To the extent a further response is required, the allegations are  
6 denied.

7           76. WSU admits that Dr. Beuca sought a religious exemption and  
8 accommodation from the COVID-19 vaccination requirement and that his request  
9 was denied. WSU further admits that Dr. Beuca's appeal of the decision to terminate  
10 him for failure to comply with the Proclamation was denied. Except as expressly  
11 admitted, and to the extent a further response is required, WSU denies the remaining  
12 allegations in Paragraph 76.

13           77. Paragraph 77 consists of legal conclusions or argument to which no  
14 response is required. To the extent a further response is required, the allegations are  
15 denied.

16           78. Paragraph 78 consists of legal conclusions or argument to which no  
17 response is required. To the extent a further response is required, the allegations are  
18 denied.

19           79. Paragraph 79 consists of characterizations of Dr. Beuca's claims and  
20 his requested relief, to which no response is required. To the extent a further response  
21 is required, the allegations are denied.

## 22                           **V. SECOND CAUSE OF ACTION**

23           80. WSU incorporates its responses as set forth above.

1 81. Paragraph 81 consists of legal conclusions or argument to which no  
2 response is required. To the extent a further response is required, the allegations are  
3 denied.

#### 4 **VII. PRAYER FOR RELIEF**

5 The remainder of the SAC constitutes a request for relief to which no response  
6 is required. To the extent a response is required, WSU denies that Dr. Beuca is  
7 entitled to the relief requested or to any relief whatsoever.

#### 8 **WSU'S AFFIRMATIVE DEFENSES**

9  
10 WSU's affirmative defenses to the SAC are set forth below. By setting forth  
11 the following defenses, WSU does not assume the burden of proof on the matter or  
12 issue other than those on which it has the burden of proof as a matter of law. WSU  
13 reserves the right to supplement these defenses.

14 1. Dr. Beuca has failed to state a state a claim, in whole or in part, upon  
15 which relief may be granted.

16 2. Dr. Beuca's damages, if any, were caused by Dr. Beuca's own acts or  
17 omissions or by the acts or omissions of third parties.

18 3. The SAC fails, in whole or in part, because some or all of the relief  
19 sought may be barred by Dr. Beuca's failure to mitigate damages.

20 4. WSU's actions with respect to Dr. Beuca and his employment were  
21 based solely on legitimate, non-discriminatory, and non-retaliatory business reasons  
22 and were the result of a good faith effort to comply with the law.



5. Dr. Beuca's claims are barred in whole or in part by the doctrines of laches, waiver, unclean hands, estoppel, or fraud.

6. Accommodating Dr. Beuca would have imposed an undue hardship on WSU.

7. WSU has not yet had a full opportunity to conduct discovery and, accordingly, reserves the right to assert additional affirmative defenses that may be disclosed in the course of discovery.

### **WSU'S REQUEST FOR RELIEF**

Wherefore, WSU prays that the Court:

1. Dismiss the SAC and all claims therein with prejudice;
2. Deny all relief that Dr. Beuca requests;
3. Grant WSU its costs and reasonable attorney's fees; and
4. Grant WSU such other and further relief as the Court may deem just and proper.

DATED this 13th day of January, 2025.

s/ Zachary J. Pekelis  
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WSU'S ANSWER TO SECOND AMENDED  
COMPLAINT - 17  
Case No. 2:23-CV-00069-TOR

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 13th day of January, 2025.



Erica Knerr  
Legal Assistant